DocuSign Envelope ID: 73D26872-857C-4C84-85C7-2FA4D6B8BBFA

RESOLUTION NO. 2020-39

A RESOLUTION OF THE MASON TRANSIT AUTHORITY BOARD ADOPTING A REVISED SPECIAL EVENT SERVICE POLICY (POL-503) AND SUPERSEDING AND REPLACING IN FULL ANY PREVIOUSLY ADOPTED OR APPROVED SPECIAL EVENT SERVICE POLICY, INCLUDING RESCINDING RESOLUTION NO. 2016-23.

WHEREAS the Special Event Service Policy (POL-503) was originally approved by the Mason Transit Authority Board in 2016; and

WHEREAS, previously the citations had been abbreviated and now the citations are fully referenced, as well as updating the citation in Section 3.2.1;

NOW THEREFORE, BE IT RESOLVED BY THE MASON TRANSIT AUTHORITY BOARD that the revised Special Event Service Policy (POL-503), which is attached hereto and incorporated herein, be established and adopted; and

BE IT FURTHER RESOLVED that this Mason Transit Authority Special Event Service Policy (POL-503) shall supersede and replace in full any previously adopted or approved Mason Transit Authority Special Event Policy, including rescinding Resolution No. 2016-23.

Adopted this 17th day of November, 2020.

DocuSigned by:
Wes Martin
550C0645CE7B450...
Wes Martin, Chair

DocuSigned by:
Sharon Trask
BBB14D69CBB841A...
Sharon Trask, Vice-Chair

DocuSigned by:
John Campbell
8D26C296436D428...
John Campbell, Authority Member

DocuSigned by:
Kevin Dorcy
4CA8E23B9BD140F...
Kevin Dorcy, Authority Member

Matt Jewett, Authority Member

DocuSigned by:
Randy Neatherlin
61BB6972A7154D6...
Randy Neatherlin, Authority Member

[Vacant], Authority Member

DocuSigned by:
Kevin Shutty
F001AE6B94D9414...
Kevin Shutty, Authority Member

DocuSign Envelope ID: 73D26872-857C-4C84-85C7-2FA4D6B8BBFA

Sandy Tarzwell, Authority Member

APPROVED AS TO CONTENT: DocuSigned by: Danette Brannin
Danette Brannin, General Manager

APPROVED AS TO FORM: DocuSigned by: Rob Johnson
Robert W. Johnson, Legal Counsel

ATTEST: Tracy Becht DATE: 12/2/2020
Tracy Becht, Clerk of the Board

DocuSign Envelope ID: 73D26872-857C-4C84-85C7-2FA4D6B8BBFA

Title:	Special Event Service Policy
Number:	503
Effective:	November 17, 2020
Cancels:	Resolution No. 2016-23
Prepared by:	Mike Ringgenberg, Operations Manager
Approved by:	Authority Board Resolution No. 2020-39

1.0 POL-503 Special Event Service Policy

This policy applies to all "Special Event Service" requests made by the public, special interest groups, and government agencies. All future changes to the Charter Bus Final Rule, drafted, approved and implemented by the FTA, shall supersede this policy.

2.0 Purpose

The purpose of this policy is to prevent unfair competition and complaints from recognized charter providers in regards to any service performed as a result of a request or proposal that could be construed as "Charter Service." Federal Transit Administration's (FTA) s Charter Bus Service Rule, which implements 49 U.S.C. 5323(d), protects private charter operators from unauthorized competition from FTA grant recipients.

3.0 Definitions

3.1 Charter Service is (1) requested by an outside party (i.e., not the transit system's own idea), (2) provided for exclusive use of some group, and (3) at a negotiated price.

3.2 The following information are services not considered to be Charter Service that included in the FTA Charter Bus Final Rule:

3.2.1 Demand responsive service – Demand responsive service is not covered by the new regulation 49 U.S.C. 5323(d)§604.3(g).

3.2.2 Transit agency business – This allows transit agencies to transport their employees, employees of other transit systems, management officials, contractors, prospective contractors, or official guests to inspect, evaluate, or review transit projects or facilities in the agency's service area (or proposed service area) 49 U.S.C. 5323(d)§604.3(c).

3.2.3 Emergency preparedness – This allows transit agencies to transport their employees, employees of other transit systems, management officials, contractors, prospective contractors, or official guests for emergency preparedness planning and operations 49 U.S.C. 5323(d)§604.3(c).

3.2.4 Section 5310, Section 5311, Job Access/Reverse Commute (JARC), and New Freedom programs – Services provided under the Section 5310

DocuSign Envelope ID: 73D26872-857C-4C84-85C7-2FA4D6B8BBFA

(elderly and persons with disabilities), Section 5311 (rural program), and New Freedom programs are not covered by regulation 49 U.S.C. 5323(d)§604.3(c).

3.2.5 Emergency response – This allows transit agencies to respond to emergency situations, whether declared by federal, state, or local officials, or take immediate actions necessary prior to a formal declaration for the first 45 days of the emergency situation (continuation past the 45 day mark will require formal FTA concurrence 49 U.S.C. 5323(d)§604.3(c).

3.2.6 Rural training – This allows rural transit agencies to transport their employees and contractors beyond their normal service areas for training 49 U.S.C. 5323(d)§604.3(c).

3.2.7 Services provided without third party payment or premium fare – Even exclusive service on what FTA refers to as an "irregular or limited basis" when it is not paid for (in whole or part) by a third party and where riders are not required to pay a "premium fare." (Appendix A, Q&A 18 and 49 U.S.C. 5323(d)§604.3(c)(2).

4.0 Determination of Exemption

4.1 Exceptions to the Charter Rule may allow MTA to perform the requested service. The following criteria is considered:

4.1.1 Non-transit "government business" – Under this exception, transit agencies may provide up to 80 hours per year total service hours, even where an agency supports multiple government bodies, of service in support of government business such as the City Council visiting a new sewage treatment plant site.

4.1.2 Services provided to Qualified Human Services Organizations (QHSO) – Whether qualified through one of the 64 federal programs or by registering at the web site, QHSO organizations are eligible for free or reduced price services under this exception. There is no hour limit.

4.1.3 Leasing equipment to a Registered Charter Provider (RCP) – This exception allows transit agencies to lease equipment/drivers to private

DocuSign Envelope ID: 73D26872-857C-4C84-85C7-2FA4D6B8BBFA

providers, but only when all of the private equipment of all of the RCP self-identified as providing service in the agency's operating area has been exhausted. This provision requires the RCP to certify that all of the available vehicles of all registered charter providers in the recipient's geographic service area and for the transit agency to verify that this certification is accurate by counting up all of the equipment of all RCPs in the area.

4.1.4 Agreement with all RCPs in the area – A transit agency may enter into an agreement with all of the RCPs registered in its geographic area. These agreements can allow any lawful use of transit agency equipment without regard to the regulation as long as all agree.

4.1.5 RCP responds to a notice – When a transit agency is asked to provide charter service that is not subject to an exception and wishes to do so, the agency shall consult the FTA internet site to get a list of RCP in the geographic service area. The agency notifies the RCPs of the request for service by e-mail or fax and must wait for responses (72 hours for service to be provided within 30 days, 14 days for service proposed more than 30 days out). If no RCP notes an interest in providing the service, the transit agency is free to do so. If any RCP notes an interest in providing the service, the transit agency may not provide it – even if the customer and RCP never come to agreement.

4.1.6 Petitions to the Administrator – The FTA recognizes the Administrator's inherent authority to waive or modify the rule and provides circumstances where that might happen. There is a list of required information to be submitted in section 604.11. The first instance is for events of national or regional significance. The regulation requires, among other things, that the transit agency certify that all RCPs in the area have been "exhausted." The second instance is for hardship – applicable only in rural or small urban areas and defined as deadhead time that exceeds the total trip time. The third instance is for "unique and time sensitive events."

DocuSign Envelope ID: 73D26872-857C-4C84-85C7-2FA4D6B8BBFA

MASON TRANSIT AUTHORITY	**Title:** Special Event Service Policy **Number:** 503 **Effective:** November 17, 2020 **Cancels:** Resolution No. 2016-23 **Prepared by:** Mike Ringgenberg, Operations Manager **Approved by:** Authority Board Resolution No. 2020-39

5.0 Policy

5.1 The special event service request must have the potential to generate ridership; the requesting entity must agree to provide adequate publicity and promotion to ensure that the special event service will be used.

5.2 The event for which special service is considered must be of a broad civic interest and open to the general public; the event must not be of a political nature.

5.3 The special event service should provide an opportunity to promote Mason Transit Authority (MTA) service to potential users.

5.4 The special event service must address a transportation problem experienced by individuals participating in the event, such as parking limitations, severe congestion, or for persons with special needs. Where severe congestion exists, clear access and egress to and from the event must be provided to MTA.

5.5 The special event service considered must be open to the general public and operate within the boundaries of the Public Transportation Benefit Area during existing hours of normal operations.

5.6 Provisions of the special event services shall not conflict with the Federal Transportation Administration Final Rule of 2008 implementing 49 U.S.C. 5323(d) and any future amendments to the final rule protecting private charter operators from unauthorized competition from FTA grant recipients.

5.7 Special Event service can only be considered after careful review of available agency equipment and staff for the period requested.

5.8 Special event services may be provided if their cost and operational demand can be managed, at no cost to the requestor, in accordance with 49 CFR Part 604, Appendix C to Part 604. MTA must be able to provide the special event service within the agency geographical operating area and during established operating hours or; within our normal "Scope of Work."

5.9 Special event service requests which do not meet all of the aforementioned policy tests may be considered by the full Board of Directors, should it be determined that the request is in the "best" general public interest.

DocuSign Envelope ID: 73D26872-857C-4C84-85C7-2FA4D6B8BBFA

5.10 The special event service request must be received at least 60 days prior to the event to be considered.

6.0 References

6.1 Federal Transit Administration Charter Service Rule of December 13, 1982, Title 49 – Part 604 (updated March 16, 2016).

6.1.1 This reference implements 49 U.S.C. 5323(d) protecting private charter operators from unauthorized competition from recipients of federal financial assistance under Federal Transit Laws.

6.1.2 The reference specifies entities that shall comply with the charter service regulations; defines terms used; explains procedures for exemption from this reference; and sets out the contents of a service agreement.